

MINUTES

MONTANA SENATE 60th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN JESSE LASLOVICH**, on February 6, 2007
at 8:00 A.M., in Room 303 Capitol.

ROLL CALL

Members Present:

Sen. Jesse Laslovich, Chairman (D)
Sen. Aubyn Curtiss (R)
Sen. Larry Jent (D)
Sen. Carol C. Juneau (D)
Sen. Dan McGee (R)
Sen. Lynda Moss (D)
Sen. Jerry O'Neil (R)
Sen. Gerald Pease (D)
Sen. Gary L. Perry (R)
Sen. Jim Shockley (R)
Sen. David E. Wanzonried (D)
Sen. Carol Williams (D)

Members Excused: None.

Members Absent: None.

Staff Present: Carol Andersen, Committee Secretary
Valencia Lane, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: SB 385, 2/1/2007; SB 346, 2/1/2007;
SB 389, 2/1/2007; SB 382, 2/1/2007;
SB 379, 2/1/2007
Executive Action: Committee Bill

HEARING ON SB 385

Opening Statement by Sponsor:

00:00:40 SEN. JOHN COBB (R), SD 9, opened the hearing on SB 385, Criminalizing involuntary servitude and trafficking in persons.

Proponents:

00:05:10 Tara Veazey, Montana Legal Services

EXHIBIT(jus26a01)

00:08:03 Kelsen Young, Executive Director, Montana Coalition Against Domestic and Sexual Violence

EXHIBIT(jus26a02)

00:10:03 Travis McAdam, Montana Human Rights Network

Opponents: None.

Proponents' Testimony: None.

Questions from Committee Members and Responses:

00:11:28 Sen. O'Neil to Sen. Cobb

00:13:37 Sen. Juneau to Sen. Cobb

Closing by Sponsor:

00:14:46 Sen. Cobb

HEARING ON SB 346

Opening Statement by Sponsor:

00:15:26 SEN. JIM SHOCKLEY (R), SD 45, opened the hearing on SB 346, Prohibiting certain contracts with illegal aliens.

Proponents:

00:19:56 Dal Smilie, Department of Administration

EXHIBIT(jus26a03)

00:23:32 Lynn Stumberg, Eagle Forum

00:25:22 Paul Nachman

[EXHIBIT\(jus26a04\)](#)

[EXHIBIT\(jus26a05\)](#)

00:30:34 Dan Flynn, International Board of Electrical Workers
Local 44

00:32:22 Sen. Aubyn Curtiss

Opponents:

00:33:20 Debra Smith, Attorney

00:38:44 Amanda Arnold, Montana Human Rights Network (MHRN)

Informational Testimony: None.

Questions from Committee Members and Responses:

00:39:11 Sen. McGee to Amanda Arnold

00:40:07 Sen. McGee to Debra Smith

00:43:46 Sen. Perry to Sen. Shockley

00:51:02 Sen. Curtiss to Sen. Shockley

00:52:09 Sen. O'Neil to Sen. Shockley

00:53:53 Sen. Jent to Sen. Shockley

00:56:28 Sen. Jent to Debra Smith

00:59:40 Sen. Moss to Debra Smith

Closing by Sponsor:

01:02:40 Sen. Shockley

HEARING ON SB 389

Opening Statement by Sponsor:

01:06:57 SEN. JIM SHOCKLEY (R), SD 45, opened the hearing on SB 389, Clarify peace officer arrest of alien violating federal criminal immigration law.

Proponents:

01:10:03 Paul Nachman

EXHIBIT(jus26a06)

01:15:58 Lynn Stumberg, Eagle Forum

Opponents:

01:16:48 Amy Hall, Montana Legal Services Association

01:23:07 Helge Naver

01:30:26 Debra Smith, Attorney, Immigration Law

01:34:30 Kelsen Young, Montana Coalition Against Domestic & Sexual Violence

EXHIBIT(jus26a07)

01:35:28 Scott Crichton, Executive Director, American Civil Liberties Union (ACLU)

EXHIBIT(jus26a08)

01:42:40 Amanda Arnold, Montana Human Rights Network

EXHIBIT(jus26a09)

Informational Testimony: None.

Questions from Committee Members and Responses:

01:44:58 Sen. McGee to Amy Hall

01:48:55 Sen. Jent to Sen. Shockley

01:57:03 Sen. Moss to Debra Smith

01:58:40 Sen. Moss to Sen. Shockley

02:01:08 Sen. McGee to Scott Crichton

02:02:27 Sen. Perry to Sen. Shockley

02:06:56 Sen. Perry to Scott Crichton

02:10:34 Sen. Juneau to Amy Hall

Closing by Sponsor:

02:17:57 Sen. Shockley

02:24:48 Break

02:35:02 Resume

02:35:18 Chair relinquished to Sen. McGee

HEARING ON SB 382

Opening Statement by Sponsor:

02:35:58 SEN. JESSE LASLOVICH (D), SD 43, opened the hearing on SB 382, Establish mental health courts.

[EXHIBIT\(jus26a10\)](#)

Proponents:

02:44:09 Brenda Desmond, Standing Master, Fourth Judicial District

[EXHIBIT\(jus26a11\)](#)

[EXHIBIT\(jus26a12\)](#)

[EXHIBIT\(jus26a13\)](#)

02:48:15 Kathy McGowan, Montana Community Mental Health Centers, and Peace Officers

02:54:01 Pam Bunke, Community Corrections Administrator

02:56:42 Aart Dolan, Mental Health Advocate

03:01:13 Tracy Velasquez, Montana Mental Health Association

03:04:16 Anita Roessmann, Montana Advocacy Program (MAP)

[EXHIBIT\(jus26a14\)](#)

[EXHIBIT\(jus26a15\)](#)

[EXHIBIT\(jus26a16\)](#)

03:11:24 Curt Chisholm, Montana National Alliance of Mental
Illness (MNAMI)

03:15:49 Scott Crichton, American Civil Liberties Union (ACLU)

03:18:50 Candace Payne, Rimrock Foundation

03:20:24 Gloria Hermanson, Clinical Mental Health Counselors

03:21:18 Sheryl Wood, Montana Association of Counties

03:22:30 Curt Chisholm for Gayle Evans, Montana Psychiatric
Association

Opponents: None.

Informational Testimony:

03:23:07 Leslie Halligan, Deputy County Attorney, Missoula
Mental Health Drug Treatment Court

Questions from Committee Members and Responses:

03:26:13 Sen. O'Neil to Leslie Halligan

03:30:01 Sen. Curtiss to Curt Chisholm

03:31:44 Sen. Pease to Sen. Laslovich

03:33:27 Sen. McGee to Pam Bunke

03:34:38 Sen. McGee to Anita Roessmann

03:37:42 Sen. McGee to Sen. Laslovich

03:39:06 Sen. Perry to Sen. Laslovich

Closing by Sponsor:

03:41:02 Sen. Laslovich

HEARING ON SB 379

Opening Statement by Sponsor:

03:43:24 SEN. JESSE LASLOVICH (D), SD 43, opened the hearing on SB 379, Clarify public defender for post-conviction purposes.

Proponents:

03:47:14 Randi Hood, Chief Public Defender

03:51:26 Jim Wheelis, Appellate Division, State Public Defender's Office

Opponents: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

03:56:03 Sen. Shockley to Judge Wheelis

03:58:04 Sen. McGee to Randi Hood

Closing by Sponsor:

03:59:42 Sen. Laslovich

EXECUTIVE ACTION ON SENATE COMMITTEE BILL

04:00:04 Sen. Laslovich

04:00:59 **Motion:** SEN. SHOCKLEY moved that COMMITTEE BILL DO PASS.

Discussion:

EXHIBIT(jus26a17)

04:02:27 Sen. Laslovich

04:02:31 Sen. McGee

04:03:13 Sen. Laslovich

04:04:16 Sen. McGee

04:04:21 Sen. Perry

04:04:24 Sen. O'Neil

04:04:53 Sen. Laslovich

04:05:55 Sen. McGee

04:05:43 Sen. Laslovich

04:05:47 **Motion:** SEN. SHOCKLEY CALLED THE QUESTION TO DRAFT
COMMITTEE BILL ON ASSAULT.

04:05:50 Sen. Laslovich

04:10:00 **Motion/Vote:** Motion carried 8-2 by voice vote with
SEN. JENT and SEN. O'NEIL voting no. SEN. WILLIAMS and
SEN. WANZENRIED voted aye by proxy. SEN. JUNEAU and
SEN. MOSS not voting.

ADJOURNMENT

Adjournment: 12:12 P.M.

SEN. JESSE LASLOVICH, Chairman

CAROL ANDERSEN, Secretary

JL/ca

Additional Exhibits:

EXHIBIT ([jus26aad.pdf](#))